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Signature: Margaret Schreck Date: April 30, 2001

Patent
Attorney's Docket No. 032001-011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Christopher E. Phillips, et al.)

Application No.: 09/679,398)

Filed: October 3, 2000)

For: Hierarchical Storage Architecture for)
Reconfigurable Logic Configurations)

Group Art Unit: 2186

Examiner: unassigned

RECEIVED
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OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.47(b) WHEN INVENTORS
REFUSE TO SIGN OR CANNOT BE LOCATED

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Petition is submitted pursuant to 37 C.F.R. § 1.47(b) and M.P.E.P. § 409.03 in order to have this application accepted as complete and proceed to examination notwithstanding lack of signed Declaration from the inventors.

Specifically, the Petitioner notes that the Notice to File Missing Parts of Application was mailed by the U.S. Patent and Trademark Office on November 29, 2000. A Response to that Notice and a Petition requesting a three-month extension of time to respond to the Notice are submitted concurrently. This Petition is submitted to have the application accepted since, after diligent effort, the inventors failed to return or refused to execute the required Declaration or Oath.

Pursuant to M.P.E.P. § 409.03(b), this Petition is accompanied by the Oath of the 37 C.F.R. § 1.47(b) applicant.

Facts

Attorneys for Petitioner have previously attempted to have inventor Christopher E. Phillips sign the Declaration. On April 2, 2001, we sent a letter to Christopher E. Phillips via Certified

Mail. A copy of the application, and a Combined Declaration and Power of Attorney were sent to Christopher E. Phillips with the certified letter, as well as an Assignment document, at his last-known address of 5888 Assis Court, San Jose, CA 95138. On April 2, 2001, we also sent a copy of the application and a Combined Declaration and Power of Attorney to Mr. Dale Wong at his last-known address of 855 35th Avenue, San Francisco, CA 94121. These letters requested that the inventors execute the Declaration and Assignment documents and Return Receipt cards. A copy of these letters, attachments and Return Receipt cards are attached as Exhibit A.

The letters were received at the last-known addresses of the inventors as demonstrated by the Return Receipt cards.

The Applicant asserts that the inventors have effectively refused to execute the application papers. Exhibit B comprises copies of web pages of Leopard Logic, a company that apparently plans to compete with Chameleon Systems, Inc. Christopher E. Phillips is listed as President and Chief Executive Officer of this company, and Dale Wong is listed as Vice President of Technology for this company. Christopher E. Phillips and Dale Wong have started this company since leaving the employ of Chameleon Systems, Inc.

The Leopard Logic web page material further shows that it is necessary for Chameleon Systems, Inc., the applicant herein, to file this application in order to preserve the rights of the parties.

Last Known Addresses

The last known address of Christopher E. Phillips is 5888 Assis Court, San Jose, CA 95138.

The last known address of Dale Wong is 855 35th Avenue, San Francisco, CA 94121.

Proof of Proprietary Interest

Enclosed as Exhibit C are copies of the invention assignment agreements of Dale Wong and Christopher E. Phillips wherein the inventors agree to assign to employers all inventions made during employment. Also enclosed is an Affidavit of Charles Fox stating that the invention described and filed under Attorney Docket No. 032001-011 was made by the employees, Christopher E. Phillips and Dale Wong, while employed by the 37 C.F.R. § 1.47(b) applicant.

As discussed above, the web page of Leopard Logic, provides an indication by the inventors, Christopher E. Phillips and Dale Wong, to compete with Chameleon Systems, Inc. This is believed to satisfy evidence of the need for preserving the rights of the parties under MPEP § 409.03(f).

Requested Relief

Petitioners respectfully request that the subject application be accepted under 37 CFR § 1.47(d) without the executed Declaration or Oath of the inventors Christopher E. Phillips and Dale Wong. Petitioners submit that they have complied with the requirements of 37 CFR § 1.47 and MPEP § 409.03 and request that the application proceed to examination.

Respectfully submitted,

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By: _____

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